

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 317 of 1985

WITH

SPECIAL CIVIL APPLICATION NO. 328 OF 1985.

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DINESHCHANDRA M MER

Versus

NAVAGADH GRAM PANCHAYAT

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Appearance:

MR RR TRIVEDI for Petitioners

SERVED for Respondent No. 1

GOVERNMENT PLEADER for Respondent No. 2, 3, 4, 5

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CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 17/10/96

ORAL JUDGEMENT

It is obvious that the prayer to revoke the order Annexure "B" cannot be granted. The impugned order annexure "B" is the order passed by the District Development Officer - Respondent No.3 who, in exercise of

the powers under section 211 of the Land Revenue Code had set aside the action of the Taluka Development Officer of auctioning off the plots of respondent No.1 Gram Panchayat.

2. The plot is a part of old village site land of respondent No.1 Gram Panchayat situated in Jetpur Taluka of District Rajkot. There is nothing on record to suggest that the panchayat ever exercised those powers to sell the property belonging to it. Therefore, there is no question of considering the applicability of section 98(1) of the Gujarat Panchayats Act, 1961. The District Development Officer initiated revision proceedings on or about 25.1.77 or thereafter and by his order dated 30th November, 1978 and as per Annexure "B" page 11 gave his findings and set aside the order made by the Taluka Development Officer.

3. The matter was then carried before the Revenue Secretary [Appeals] but with no success. This can be gathered from Annexure "G" page 21.

4. It is the say of the petitioner that there are other instances of such transactions as set out in the petition having been regularized. The record alongwith the petition does not indicate that the petitioner has approached the Collector with a request for regularisation. In my opinion, therefore, so far as this court is concerned, no directions can be issued to respondent NO.4. Nothing now remains in the present petition. The petition is, therefore, rejected. Rule is discharged. Interim relief is vacated. There shall be no order as to costs.

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